

IN THE CLAIMS

Claim 1. (Currently amended) An automatically adjusting self tightening wrench comprising:

a handle having a gripping end and a working end;

a jaw member rotationally attached at an attachment end at a fixed point to said working end of said handle;

said working end having a continuously curved handle face;

said continuously curved handle face shaped substantially in a smooth arc formed substantially along a circumference of a first circular path around a first center point adjacent to said fixed point;

said jaw member having a planar face opposing said curved handle face;

said jaw member having a first jaw member strut between said fixed point and an elbow;

said jaw member having a second jaw member which is in an angled engagement with said first jaw member strut and extends from said elbow to said planar face;

said angled engagement determining said second circular path followed by said planar face around said curved handle face when said jaw member is rotated;

means to bias said planar face of said jaw member toward said handle face;

finger depressed means to overcome said means to bias said planar face of said jaw member toward said handle face comprising a finger engageable surface area formed on said second jaw member; and

said planar face following a generally second circular path around said fixed point and around said first circular path when said jaw member is rotated thereby moving from a first point a minimum distance from said curved handle face to a second point a maximum distance from said curved handle face whereby said automatically adjusting self tightening wrench may be placed over an object to be rotated and said object size is accommodated by rotation of said jaw member increase or decrease between said curved handle face and said planar face.

Claim 2. (Previously presented) The automatically adjusting self tightening wrench of claim 1 additionally comprising said planar face and said curved handle face both having a gripping surface thereon said gripping surface shaped to aid the frictional engagement with said object placed therebetween.

Claims 3-4 (Canceled)

Claim 5. (currently amended) The automatically adjusting self tightening wrench of claim 1 wherein said means to bias said planar face of said jaw member toward said handle face is a spring attached at a first end to said working end of said handle and at a second end to said first jaw member strut.

Claim 6. (Previously presented) The automatically adjusting self tightening wrench of claim 1 additionally comprising a slot formed in said handle at said working end, said slot adjacent to said fixed point whereby said jaw member rotationally translates into said slot when rotating around said fixed point attachment to said working end of said handle.

Claim 7. (Previously presented) The automatically adjusting self tightening wrench of claim 2 additionally comprising a slot formed in said handle at said working end, said slot adjacent to said fixed point whereby said jaw member rotationally translates into said slot when rotating around said fixed point attachment to said working end of said handle.

Claim 8. (Canceled)

Claim 9. (Previously presented) The automatically adjusting self tightening wrench of claim 5 additionally comprising a slot formed in said handle at said working end, said slot adjacent to said fixed point whereby said jaw member may translate into said slot when rotating around said fixed point attachment to said working end of said handle. handle.

Claims 10 - 15 (Canceled)

Claim 16. (Currently amended) The automatically adjusting self tightening wrench of claim 6 wherein ~~said jaw member is comprised of a first jaw member strut between said fixed attachment point and an elbow which is in angled engagement with a second jaw member strut from said elbow to said planar face;~~

said first jaw member strut is rotationally engaged with said fixed point and rotationally translating in said slot; and

said angled engagement determining said second circular path followed by said planar face around said curved handle face when said jaw member is rotated.

Claim 17. (Currently amended) The automatically adjusting self tightening wrench of claim 7 wherein ~~said jaw member is comprised of a first jaw member strut between said fixed attachment point and an elbow which is in angled engagement with a second jaw member strut from said elbow to said planar face,~~

said first jaw member strut is rotationally engaged with said fixed point and rotationally translating in said slot; and

said angled engagement determining said second circular path followed by said planar face around said curved handle face when said jaw member is rotated.

Claim 18. (Canceled)

35 U.S.C. § 102

Claims 1 has been more clearly defined with the addition of the elements of claim 13 which originally depended from claim 1.

The Examiner has cited U.S. Patent 2,028,406 (Mead) as containing all of the elements and function of Applicant's claimed wrench for rejecting claims 1-11 and 13-18.

However, Applicant's device, as more clearly defined is constructed, and provides functions, quite differently from the cited patent.

The cited patent features a bent handle 1, which is rotationally engaged with a curved jaw member which has two different planar surfaces. The curved jaw of Mead would make it virtually impossible for the user to bias the jaw away from the curved handle face to move the jaw away from the handle face.

Applicant's device, as claimed originally in claim 13 and now in amended claim 1 features components and function not taught or suggested in Mead. Applicant's device has a jaw composed of a first jaw member extending from an attachment to the handle to an angled connection with a second jaw member which extends to the planar surface. The angled engagement of the two jaw members, and the straight handle engaging the jaw, allows the user to easily use a thumb or finger and depress upon the flat surface of the second jaw member and to open the jaw. A photo of applicant's device in use is displayed below for the convenience of the Examiner.



As can be clearly seen from the drawing the Examiner provided in the office action, the Mead device teaches a curved handle with a curved jaw engaging the handle. The curve on the outside of the Mead jaw would make it virtually impossible for the user to bias the Mead since the finger or thumb of the user of Mead would slip off the curved surface.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984)

As noted above, Applicant's device, as more clearly defined in claim 1 with the addition of the elements of claim 13, clearly has a two piece angled structure forming the jaw which is lacking in Mead. This configuration provides an angled engagement between the two pieces making the surface of the second jaw member easily engaged by a thumb to bias the jaw. This angled surface which is engaged allows the biasing of the jaw without slipping off. The cited reference lacks this structure and utility and could not function in the fashion claimed by Applicant.